

# **U.S. DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION FIELD OPERATIONS TRAINING MANUAL**

## **Volume - II: Compliance**

### **Chapter 1: General Guidelines for Compliance Reviews**

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#### **1. INTRODUCTION/GENERAL POLICIES**

- a. A compliance review (CR) is an on-site examination of motor carrier operations, such as driver's hours of service, maintenance and inspection, driver qualification, controlled substance and alcohol testing, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets a safety fitness standard. If applicable, compliance with the commercial/economic regulations is reviewed also. A CR is intended to provide information to evaluate the safety performance and regulatory compliance of a company's operation. The review must be conducted in such a manner that assures no violations are missed, overlooked or not recorded.
- b. The CR report has three Parts: form MCS-151 Parts A, B, and C.
- c. Part A is a multipurpose form that provides basic information about the motor carrier's/shipper's operation and is also used for adding, deleting, reactivating, or updating motor carrier/shipper information in the Motor Carrier Management Information System (MCMIS).
- d. Part B provides the results of a review of the motor carrier's/shipper's regulatory compliance. These results will determine if:
  - (1) The motor carrier's safety rating should be changed;

- (2) Enforcement action is needed;
  - (3) The motor carrier/shipper is placed in a selective monitoring program; or
  - (4) An out-of-service order or other order should be issued.
- e. Part C provides information about the specific CR such as the reason for initiation, the parts of the regulations reviewed, and the comments from the investigator.
- f. Appointments should be made for CRs, except in instances where an appointment would likely compromise the quality of the investigation. When making an appointment, explain the purpose of the visit to an appropriate motor carrier official. CRs of motor carriers are generally conducted at the carrier's principal place of business. If an appointment is made, a questionnaire (refer to Illustration 1-1 for examples) should be sent to the motor carrier by facsimile for completion prior to arrival.
- g. A motor carrier with multiple offices or terminals may maintain required records at these locations. All required records maintained at these locations must be made available for inspection upon request by the investigator at the principal place of business or other location specified by the investigator within 48 hours after a request is made. Saturdays, Sundays, and Federal holidays are excluded from the computation of the 48-hour period of time. Upon the arrival of an investigator at a motor carrier's principal place of business, regional office, or driver work-reporting location, those records that are maintained at such location must be produced for inspection immediately upon request.
- h. A State Director has the discretion whether to conduct a CR on a SafeStat identified category A or B motor carrier that has been subject to a CR within the previous 12 months.
- i. For all cited violations of the FMCSRs and HMRs, the investigator must have handwritten or laptop notes that identify the specific documents that were used to discover the violation and/or that describe the circumstances of the violation.

**2. PREPARATION (see Illustration 1-2 for an example of a checklist to assist in your preparation)**

- a. Review the field office file and previous enforcement reports to become familiar with the company's previous safety and regulatory compliance problems. Review the applicability of the safety, financial responsibility, commercial and hazardous materials regulations to the entity.

- b. Before any CR is conducted in Canada, the appropriate Canadian government/provincial representative(s) must be notified of the intention of the Federal Motor Carrier Safety Administration to investigate a Canadian motor carrier and/or shipper. After completion of the CR, a copy of the CR report must be provided to the appropriate authority in the Province or Territory where the Canadian motor carrier and/or shipper has its principal place of business.
- c. Obtain and review the motor carrier's profile. To ensure that the data on the profile is timely and complete, obtain the profile as close as possible, but not more than 21 days prior to the initiation date of the CR. The motor carrier that has an out-of-service rate higher than the national average (as shown in SAFER), indicates potential non-compliance in that area. In these situations, the investigator should plan the CR so that adequate coverage of the potential problem areas is accomplished. Identify and record the drivers and vehicles that had the most violations cited during roadside inspections, so they can be focused on during the CR.
- d. Review the motor carrier's SafeStat SEA values. Identify the data that contributed to any unsatisfactory SEA values (i.e. greater than 75). Use these data to focus the CR on problem areas.
- e. Review other information sources including various websites, <http://safersys.org>, <http://ai.volpe.dot.gov>, <http://fhwa-li.volpe.dot.gov/>, etc.

### **3. OPENING INTERVIEW**

- a. Enter the business office, identify yourself and your employer, display your credentials, and ask to speak to a motor carrier/shipper official who has knowledge of the entire operation (e.g. President, Vice President, General Manager, etc.). If he/she is unavailable, ask for the individual in charge of safety. Explain the purpose of the visit to the official. In addition, explain that various company records will be reviewed and that you will need to talk to individuals responsible for compliance with the safety, hazardous materials, financial responsibility, and commercial/economic regulations.
- b. If a questionnaire was not sent to the motor carrier prior to arrival, obtain the information needed to complete Part A of the CR report by interviewing appropriate personnel of the motor carrier and/or shipper. This information should be obtained in a manner which minimizes time spent by motor carrier management. Data entry into the laptop during the interview is inappropriate. The investigator should ask for a tour of the facility to see how the general day-to-day operations work. Be observant of posted materials related to the carrier's knowledge and compliance with the regulations.

During the tour, look for the presence of hazardous materials (HM). Some motor carriers and shippers may not know that they are shipping and/or transporting HM.

- c. Become familiar with the nature of the motor carrier's operation by asking questions about the destinations of regular trips, the identity of customers that provide them the most business, the carrier's busiest and slowest time of the year, the manner in which drivers are compensated, the level of driver turnover, the extent to which the carrier uses electronics in its operation and recordkeeping, vehicle maintenance procedures, controlled substances and alcohol testing program etc.
- d. Become familiar with the motor carrier's paperwork system related to its operations, payroll systems, filing systems, etc. If the documentation of violations becomes necessary, this knowledge will enable you to gather and copy records about drivers' trips quickly and efficiently.
- e. Determine the supporting documents that the motor carrier obtains and/or generates and where these records are maintained. Become familiar with any business records which disclose the location and activity of drivers at specific times or during certain time periods, such as the records mentioned in Chapter 2, Paragraph 1. These records will enable you to verify the accuracy of drivers' records of duty status.